

Newfields Planning Board Meeting Minutes  
August 21,2008

**Attendance:** Chairman William Meserve, Selectmen's Representative Michael Woodworth, John Hayden, Mike Price, James Daley, Mike Todd and Mark Bouzianis. Town Planner Clay Mitchell arrived shortly after the meeting began.

John Hayden, James Daley and William Meserve were officially sworn in by Sue McKinnon as Planning Board members. Mark Bouzianis was sworn in as a new member earlier in the week.

Meserve explained that the Planning Board will now be a seven member board just like it was several years earlier.

**Preliminary Discussion-Bill Davis Map 202 Lot 8.23**

John Hayden and Mark Bouzianis recused themselves from the Board. Kyle Engle and Bill Davis presented the plan for lot 8.23 which is now 4.22 acres after the recent lot line adjustment. The last time they were before the Board was in May and suggestions were made at that time regarding incorporating the parking, location of the detention pond and leach field on the plan.

Mike Todd asked for clarification on the lot to be developed. It is not a separate lot but a portion of the post office lot and is separated by the road. The applicant proposes having two wells and two septic systems. Mike Todd asked if our zoning ordinances allow two wells and two septic systems on one lot.

Bill Davis said that the reason they are before the Board is to identify deficiencies in the plan. As far as Mike Todd is concerned, well and septic is a huge deficiency. Without that information all this work could be a waste of time.

Bill Davis mentioned that the engineer has not raised concern with this issue. Kyle Engle noted that test pits have been dug.

Mike Todd said that before asking the Board about access and layout, the well and septic should be approved by the State first.

It was noted that our ordinance requires a 4,000 square foot reserve area for septic and that needs to be shown on the plan. The access ordinance needs to be looked at regarding how far the entrance must be from the intersection of Route 108 and Route 85. Also, the access that Hayden's already have along Route 108 must be taken into consideration.

Mike Todd does not want to set any major precedence by allowing two septic systems on one lot.

Bill Meserve said that Clay responded to the State informing them that the planning board wanted to review the driveway permit application. According to Bill Davis the application meets the base requirements for access according to DOT. Visibility and site distance looks okay. The application is currently under review and the State is not committed to anything.

Bill Meserve asked if the State was aware that Hayden also had access to his land. Bill Davis said he mentioned it to DOT when they met. John Hayden commented that when he talked to Bob Talon at Division Six he made him aware of the access to his land. The plan shows nothing. As part of the approval process the DOT has to review all the old records.

Bill Meserve said that not only do you want two septic systems and two wells on one lot but also two buildings. He questions if that is allowed. When Bill Davis spoke with Clay he said there is nothing to prohibit two buildings on one lot. He did not discuss well and septic with him.

Bill Davis stated that they are interested in getting all potential objections from the Board and then address them.

Jim Daley suggested that the applicant have the plan engineered so that they know if everything will fit on the lot. They need to make sure it is going to work. The well, septic and detention pond need to be shown. The calculations need to be done. In his opinion, there needs to be more information on the plan so the Board doesn't have to guess at what the applicant wants to do. It would be a good idea to know the use. Jim added that this is a unique lot because it is separated by the road. Mike Todd commented that these were remnants lots that were added to the post office lot. The road did not legally subdivide them.

Kyle Engle asked the Board, if the septic system is not an issue can this lot be developed? Bill Davis believes that if it meets all the zoning requirements it should be fine. He met with Clay and they decided to move the parking to the back of the building. The only issue would be the setback which would need a variance.

John Hayden read a portion of the Access Management Ordinance 14.10.3.1 Number, Spacing and Width of Access Points. The ordinance states that no more than one driveway shall be permitted per parcel or per contiguously-owned parcels.

John's concern is that this development will have some negative affect on his ability to develop in the future. The Hayden's 4-acre parcel existed before the roadway changed and they took extra measures to insure that their access points would be maintained.

Bill Davis said that he has not discussed this with John Hayden but from his discussions with the State there could be shared access between him and the Hayden's. After speaking with a traffic engineer, the access across from the post office has a lot of merit as opposed to access farther down Route 85. In Mike Price's opinion, the location of the post office entrance was a mistake and should not have happened. Bill Meserve said he would have a hard time deviating from the access management ordinance.

Bill Davis stated that he understands that this is an unconventional situation. His goal is to do some joint venture. He is going to work on it and in the end maybe it won't work; maybe it will.

Discussion was tabled.

### **James & Mary Vienneau 12-lot Subdivision-Old Lee Road**

The hearing was continued until the September meeting at the request of the applicant. The Board did discuss recent correspondence from the Department of Environmental Services, Department of Army and Conservation Commission regarding wetland impacts on the property. It appears the subdivision has some serious issues to resolve before moving forward.

Bill Meserve would like to see the applicant go back to the density calculations. If the potential issues with the wetlands had been laid out

ahead of time the applicant may not have gotten so far with the application.

Clay arrived. He strongly supports the yield plan method over the equation to calculate number of lots. That way you know exactly where the wetlands are on the site ahead of time. The yield equation gives a false expectation of the number of potential lots. Mike Price said that in the past, the Board used to require the applicant to have the permits in place prior to acceptance.

Clay noted that DES found that there are several other issues that are a major impact on the wetlands and need to be addressed. He suggested that we wait to see how the applicant is going to proceed from here. They may table the application while they work out the issues with the state and federal government. They are not eligible for the state problematic program because they need army corps of engineer's approval and EPA approval. It may be a long process to obtain those permits. The applicant will need to look at alternatives and minimizing wetlands impacts.

We can continue the application at the request of the applicant but it cannot be continued indefinitely. Clay suggested having the applicant come to the September meeting and update the Board on their plans.

For the record, Alison Watts said that she was not present at the June Conservation Commission meeting and Attorney Battles was not present at the June meeting. Attorney Battles met with the Conservation Commission in July. He was not asked to leave any meeting.

Bill Meserve noted that a couple of ordinances that we may want to look at more closely, and possibly amend, are the density yield and conditional use permit. Clay suggested adopting an application process of rules and procedures. We should create one conditional use permit that addresses each impact separately.

### **Long Bow Realty-Winkler Way-Map 202 Lot 15**

Clay updated the Board regarding the development agreement. Attorney Lane and Attorney Crisp, the applicant's attorney, have been exchanging ideas on the agreement. It encapsulates all the important issues that the Board discussed last month. The cash bond will be held in a bank by the Town of Newfields. Fee payments in lieu of sidewalks will be split in two. The first half of the money shall be paid prior to the issuance of the first certificate of occupancy and the second prior to the issuance of the next lot

development. Building Inspector Larry Shaw will be informed of the landscaping and bond requirements.

Clay confirmed for Mike Todd that the DOT permit for the subdivision includes the Dunkin Donuts at this point. DOT will require the applicant to upgrade the intersection of Winkler Way and Route 108 because of the Dunkin Donuts use.

### **Bill Davis & Kyle Engle- Driveway Application**

John Hayden and Mark Bouzianis recused themselves. The Board discussed the driveway permit that Bill Davis and Kyle Engle submitted to DOT.

Bill Meserve asked Clay if one commercial lot is allowed to have two buildings with well and septic. Clay reminded the Board that the development of Lot 2 on Winkler Way included two buildings with shared septic. Jim Daley added that the Board approved two buildings on the same septic system and well on his land on New Road. According to Clay, the real question is whether or not the lot can provide for two septic systems and wells. A lot can only carry so much septic and that is based on the soils.

Bill Davis explained Audley Construction went in and scraped the top soil on his lot after the roadway was relocated. The test pits have been dug but only one was suitable.

DOT will review the driveway permit based on their regulations. They don't care about what has to be done on the local level and they are not going to enforce our regulations. Our issues will not hold up the permitting process.

Davis will submit a letter to the Planning Board enumerating why he believes the lot is developable with two buildings on one lot and in compliance with the zoning regulations.

Clay stated that lot 8.23 is one lot that is 4.22 acres and divided by the road. The determination of whether or not the lot can be developed will be made when an engineered plan is presented.

Clay outlined a few of the comments he will be providing DOT in his letter to them regarding the driveway permit application. The use needs to be determined. The proposed driveway is on the same parcel as the post office. Hayden's have existing access points on Route 108 and Route 85. The

impact on the function of the intersection should be taken into consideration. As well as, the existing drive access permits already approved by DOT.

### **Capital Improvement Project**

Clay has completed the CIP and distributed a draft copy to the Board for their review. After the updated CIP has been approved we will be able to assess impact fees.

Bill Meserve talked about the open items on the agenda. He would like to see a plan formulated for sidewalks. There are programs out there that provide money for sidewalks and we should look in to that.

Bill would also like to adopt an energy ordinance. A small wind turbine is being considered by the Town. Clay reported that he will be setting up an anemometer at the waste water treatment plant to record wind data and to see if that site is feasible for a wind turbine.

The minutes of May 15, 2008 were reviewed. A motion was made and seconded to approve the minutes as written. All were in favor and the motion carried.

The minutes of June 19, 2008 were reviewed and amended. A motion was made by Mike Price and seconded by Michael Woodworth to accept the minutes as amended. All were in favor and the motion carried.

The minutes of July 17, 2008 were reviewed and amended. A motion was made by Mike Price and seconded by Michael Woodworth to accept the minutes as amended. All were in favor and the motion carried.

A motion was made and seconded to adjourn the meeting at 10:20pm. All were in favor.

The next regularly scheduled meeting will be September 18, 2008 at 7pm.

Respectfully submitted,

Sue McKinnon

